DOCUMENT RESUME

ED 054 320 VT 010 864

TITLE	Weightlifting Provisions for Women by State.
INSTITUTION	Women's Bureau (DOL), Washington, D.C.
PUB DATE	Jun 69
NOTE	10p.
AVAILABLE FROM	Women's Bureau, Wage and Labor Standards Administration, U.S. Department of Labor, Washington, D.C. (no charge)
EDRS PRICE	EDRS Price MF-$0.65 HC-$3.29
DESCRIPTORS	*Labor Conditions, *Labor Laws, *State Standards, *Working Women
IDENTIFIERS	Weightlifting Regulations

ABSTRACT

Ten states and Puerto Rico now have weightlifting limitations for women workers. Minnesota, Ohio, and Puerto Rico restrict by statute, Alaska, Maryland, New York, and Utah by regulation, Oregon and Washington by wage order, and California and Massachusetts by a combination of these methods. The most frequent means of enforcing these is by investigation of individual complaints or by a combination of complaint, investigation, and regular safety inspection. Although many states have the power vested in their safety departments to issue orders specifying the amount of weight a woman worker may lift, only nine states and Puerto Rico have issued a general order covering all women in an industry or occupation. A list of the states, provisions, coverage, and flexibility are included in the report. This document is a revision of ED 014 588. (BC)

ED054320

WEIGHTLIFTING PROVISIONS for WOMEN by State

U.S. DEPARTMENT OF LABOR
George P. Shultz, Secretary

WAGE AND LABOR STANDARDS ADMINISTRATION
Arthur A. Fletcher, Administrator

WOMEN'S BUREAU
Elizabeth Duncan Koontz, Director

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
OFFICE OF EDUCATION
THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL OFFICE OF EDUCATION POSITION OR POLICY.

June 1969

WEIGHTLIFTING PROVISIONS FOR WOMEN BY STATE 1/

Ten States and Puerto Rico now have weightlifting limitations for women workers. The restrictions are by statute in Minnesota, Ohio, and Puerto Rico; by regulation in Alaska, Maryland, New York, and Utah; by wage order in Oregon 2/ and Washington; by statute and wage order in California;2/ and by statute and regulation in Massachusetts.3/

The limits set on lifting, carrying, or lifting and carrying vary considerably from jurisdiction to jurisdiction. Limits on lifting now in effect range from 25 to 50 pounds. Two States, Oregon and Washington, set their limit in terms of "excessive weight" and another, Alaska, at 35 percent of body weight. Carrying is separately limited in two States: California limits carrying up or down stairs to 10 pounds and Utah limits all carrying to 15 pounds. Repetitive lifting is specifically limited in Alaska, Ohio, Oregon, and Washington.

The industrial coverage of these restrictions also varies: in six States, Alaska, California, Massachusetts, Ohio, Oregon, and Utah, and Puerto Rico all industries are covered (either by statute, regulation, or wage order); in three States, Maryland, Minnesota, and New York, only foundries are covered; and in one State, Washington, various selected industries are covered by a series of wage orders.

Flexibility in the limit placed on lifting and carrying appears to be possible to some extent in all of these jurisdictions except Minnesota. Since the limitation in this State applies only to foundries, the number of women affected would be negligible. Flexibility may be achieved in many ways under the various restrictions. The appropriate official could change a restriction or, in proper circumstances, grant administrative exceptions. For example, the Georgia Commissioner of Labor recently replaced that State's 30-pound limit on lifting by women with a more flexible standard covering both men and women. Other limits are in terms of excessive weight, or physical ability, or apply only to repeated lifting, or specify that greater weights may be handled if mechanical means are employed.

Prepared by E. Boyd Steele under the supervision of Pearl G. Spindler, Chief, Division of Legislation and Standards.

1/ As of May 1969.

2/ California and Oregon weightlifting provisions are now in question.

3/ This publication refers only to those laws and regulations that explicitly limit the maximum weight a woman worker may lift, carry, or lift and carry. Generally, weightlifting restrictions applicable to both men and women or to minors are not reported here.

As part of this study of weightlifting laws relating to women, letters requesting information on any restrictions in force and asking for general comments were sent to all jurisdictions. Responses from States that have such restrictions indicated that the most frequently used means of enforcing them was by investigation of individual complaints or by a combination of complaint, investigation, and regular safety inspection. Also, it was frequently noted that the drafting of weightlifting restrictions presented many problems. Stress was laid upon the differences in individual capacity and working conditions. The point was made that an across-the-board limit on the amount of weight a woman worker may be permitted or required to lift or carry may not be practical, since the amount of weight an individual woman is able to lift could be greater than that which some men are able to lift or carry. In addition, many respondents felt that any meaningful maximum limit would be difficult to formulate, since conditions under which lifting is performed, including bulk of the item, climate, type of footing, frequency of lifting, and distance involved in carrying affect the amount one may safely lift or carry.

Although many States appear to have power vested in their safety departments to issue orders specifying the amount of weight a woman worker may lift, only the States that have issued a general order covering all women in an industry or occupation follow:

Alaska

Provision:

No woman shall at any time be required to lift any weight in excess of 35 percent of her body weight. Where sustained or repetitive lifting is required, the absolute maximum shall be 25 pounds. This maximum shall be applied to all jobs requiring both lifting and carrying. Alaska Gen. Safety Code ch. 27, sec. 27-02 (1949).

Coverage:

All industries.

Flexibility:

Although the State of Alaska Department of Labor indicates that exemptions will not be permitted, the Safety Code directs the Department of Labor to construe the rules liberally and to grant exemptions in cases of practical difficulty or unnecessary hardship as long as equivalent protection is secured. Alaska is revising its industrial code, but the Department of Labor indicates that it has no plans to change the present weightlifting rules regarding women workers and does not anticipate granting any variations from the rules set forth in the Safety Code. Since this code is a regulation, it could be changed without legislation.

California

Provisions:

1. No female employee shall be requested or permitted to lift any object weighing 50 pounds or over or to carry any object weighing 10 pounds or over up or down a stairway or series of stairways that rise more than 5 feet from the base thereof. Objects weighing 50 pounds or over which are to be moved by a female employee must be equipped with pulleys, casters, or other contrivances to facilitate movement of the load. Calif. Labor Code pt. 4, ch. 2, acts 1 and 2, secs. 1250-1252 (1953).

2. In 13 occupations female employees shall not be required to lift or carry any objects weighing in excess of 25 pounds, except upon permit from the Division of Industrial Welfare. This provision is in the following wage orders: Amusement and Recreation Industry, No. 10-68, February 1, 1968; Broadcasting Industry, No. 11-68, February 1, 1968; Canning, Freezing, and Preserving, No. 3-68, February 1, 1968; Industries Handling Products After Harvest, No. 8-68, February 1, 1968; Industries Preparing Agricultural Products for Market on the Farm, No. 13-68, February 1, 1968; Laundry, Linen Supply, Drycleaning, and Dyeing Industry, No. 6-68, February 1, 1968; Manufacturing Industry, No. 1-68, February 1, 1968; Mercantile Industry, No. 7-68, February 1, 1968; Motion Picture Industry, No. 12-68, February 1, 1968; Personal Service Industry, No. 2-68, February 1, 1968; Professional, Technical, Clerical, Mechanical, and Similar Occupations, No. 4-68, February 1, 1968; Public Housekeeping Industry, No. 5-68, February 1, 1968; and Transportation Industry, No. 9-68, February 1, 1968. A Federal district court held in Rosenfeld v. Southern Pacific Co., November 22, 1968, that the weightlifting provisions in the Transportation order conflicted with title VII of the Civil Rights Act of 1964 and were therefore void. (The 25-pound limitation in the wage orders takes precedence over the statute imposing the 50-pound limitation. Op. Atty. Gen., August 31, 1940.)

3. No female employee shall be required to lift or carry any object weighing in excess of 25 pounds, except by permit from the Division of Industrial Welfare; no female employee or male minor (under 16) shall be requested or permitted to carry any object weighing 10 pounds or more up any ladder. Agricultural Occupations Order, No. 14-68, February 1, 1968.

Coverage:

The statutory 50-pound limit applies to all industries; occupational orders provide a 25-pound limit in various industries.

Flexibility:

Administrative exceptions may be granted by the Division of Industrial Welfare from the 25-pound limit set by the wage orders, but there may be no exceptions to the 50-pound statutory limit. (In 1968, 131 permits were issued, and as of April 1969, 31 permits were issued.)

Maryland

Provision:

No object exceeding 25 pounds in weight may be lifted by a female employed in a foundry, unless mechanical means are used by which the physical effort is limited to that required to move 25 pounds. Safety Code for the Protection of Industrial Workers in Foundries, effective August 1, 1948.

Coverage:

Foundries only.

Flexibility:

No exemptions are issued, but since it is a regulation it could be changed without new legislation. A degree of flexibility may be provided by reducing the required effort with the use of machinery. For example: if a woman with the aid of a mechanical device can lift 1,000 pounds with no more effort than it would take to lift 25 pounds unassisted, she may lift 1,000 pounds with the mechanical device.

Massachusetts

Provisions:

1. Boxes, baskets, and other receptacles weighing with their contents 75 pounds or over, that are to be moved by female employees in any manufacturing or mechanical establishment, must be provided with pulleys or casters connected with such boxes or receptacles, so as to be moved easily from place to place in such establishment. Mass. Gen. Laws ch. 149, sec. 53 (1913).

2. No female employee shall be permitted to lift or carry any object which weighs in excess of 40 pounds. Whoever knowingly violates this section shall be punished by a fine of not more than $50. Mass. Gen. Laws ch. 149, sec. 53A, effective August 22, 1968.

3. Females employed in a foundry may not be required to lift a core or number of cores upon a plate, the total weight of which--including plate and corebox or boxes--exceeds 25 pounds, unless assisted by mechanical appliances that limit the physical effort to 25 pounds. Regulations Relating to Safety and Sanitary Working Conditions in Foundries and the Employment of Women in Core Rooms, 1940, VIII, sec. 30.

Coverage:

The 40-pound lifting and carrying limit applies to all industries. However, the stricter requirement of 25 pounds is still in effect in foundries and core rooms. The 75-pound limit does not refer to lifting and carrying but to moving, that is, horizontal as opposed to vertical movement.

Flexibility:

Under chapter 12 of the acts of 1967 the Commissioner of Labor has the power to change any law, statute, or regulation concerning any female or minor 16 years of age or over, if such person shows resulting hardship or economic difficulty. The Commissioner has this power with respect to individuals or industries.

Minnesota

Provision:

No female employed in a coremaking room shall be permitted to make or handle cores when the combined weight of core, corebox, and plate exceeds 25 pounds. Minn. Stat. Ann. sec. 183.25 (1966).

Coverage:

Foundries only.

Flexibility:

No exemptions.

New York

Provision:

No female may be employed in a foundry in connection with coremaking where the combined weight of core, corebox, and plate handled exceeds 25 pounds. Department of Labor Industrial Code, Bull. 10 (1956).

Coverage:

Foundries only.

Flexibility:

Since this is a regulation, the Department of Labor could change it by administrative procedure. The New York State Board of Standards and Appeals also may issue exceptions called "variations." As of April 1969 no variations had been issued.

Ohio

Provision:

No female shall be employed in any occupation requiring frequent or repeated lifting of weights over 25 pounds. Ohio Rev. Code Ann. sec. 4107.43 (1965).

Coverage:

All industries.

Flexibility:

The statute is limited to frequent or repeated lifting.

Oregon

Provisions:

1. Employers shall not require or permit women or minor employees to lift or carry excessive weights. Sanitation and Physical Welfare Order, No. 16, effective June 14, 1959. The following orders include this restriction by reference: Amusement and Recreation, No. 4, effective March 10, 1956; Beauty Shops, No. 1, effective March 18, 1966; Minors, No. 10, effective July 7, 1964; Office, No. 12, effective August 9, 1965; Personal Service, No. 13, effective March 10, 1956.

2. No female employee shall be required or permitted to lift or carry any object weighing in excess of 25 pounds. Laundry, Cleaning, and Dyeing Order, No. 7, effective January 3, 1958.

3. Excessive weight means any weight in excess of 25 pounds. Mercantile Order, No. 9, effective December 15, 1962.

4. Excessive weight means any weight in excess of 25 pounds (except in those cases where the Wage and Hour Commission has specifically authorized lifting a heavier weight). Public Housekeeping Order, No. 14, effective April 14, 1964.

5. No female employee shall be required to lift manually any burden in excess of 25 pounds to a height greater than 5 feet, nor shall any female be required to lift manually to any height a burden in excess of 30 pounds, provided that, upon application or complaint and following investigation, the Commission may grant such exceptions or require such restrictions as in the Commission's judgment are justified by the facts. Organized Youth Camps Order, No. 3, effective July 9, 1957; Preparing Poultry, Rabbits, Fish, or Eggs for Distribution Order, No. 6, December 12, 1952.

6. "Excessive weight" means: (1) More than 25 pounds lifted or carried consistently. (2) More than 35 pounds without special permission of the Wage and Hour Commission, whether or not such lifting or carrying is consistent. (3) More than 50 pounds, in any case. For the purpose of this section, a female employee consistently lifts or carries more than 25 pounds when she spends at least one-third of her working shift lifting or carrying any weight of more than 25 pounds. Manufacturing Order, No. 8, Amendment October 10, 1968. A Federal district court held in Richards v. Griffith Rubber Mills, May 5, 1969, that title VII of the Civil Rights Act of 1964 prevails over the weightlifting provision of Order No. 8.

7. No employer shall require any female employee to lift manually any burden beyond her physical capacity, provided that upon application, complaint, or investigation the Commission may grant such exemptions or require such restrictions as in the Commission's judgment are justified by the facts or circumstances. In no event, however, shall an employer require a female employee to lift manually any burden in excess of 25 pounds to a height above her shoulders. Canning, Freezing, and Processing Order, No. 2, effective November 29, 1967.

Coverage:

Sanitation and Physical Welfare Order, No. 16, applies to all types of employment unless different standards are issued in other orders adopted by the Oregon Wage and Hour Commission. A number of orders covering specific industries have been adopted.

Flexibility:

Administrative exceptions are granted upon proper application by the employer, employee, or both; a thorough investigation is conducted and submitted to the Wage and Hour Commission through its Executive Secretary, the Commissioner of Labor. In most cases the Executive Secretary makes the decision. Under Manufacturing Order, No. 8, the Wage and Hour Commission may grant permission to lift up to 50 pounds.

Puerto Rico

Provision:

Maximum weight limits, varying by age and sex, for lifting, transporting, or supporting any type of load are as follows:

Adult males	110 pounds
Adult females	44 pounds
Males under 18 but over 16 years	44 pounds
Females under 18 but over 16 years	33 pounds

The Secretary of Labor is granted full powers to alter these standards, when he believes it convenient, and to introduce standards that new scientific advances and medical discoveries recommend. Act No. 49, Law 1968, effective August 20, 1968.

Coverage:

All industries.

Flexibility:

The Secretary of Labor has power to alter the limits when existing limits are deemed outmoded by scientific and medical recommendations.

Utah

Provision:

No female shall be required or permitted to lift any burden in excess of 30 pounds or carry any burden in excess of 15 pounds. Industrial Commission Welfare Regulations for Any Occupation, Trade, or Industry, effective September 14, 1937, amended April 20, 1948.

Coverage:

All industries.

Flexibility:

No administrative exemptions are permitted. However, since the restriction is a regulation, the Industrial Commission could change it without additional statutory authority.

Washington

Provisions:

1. No woman or minor shall be required or permitted to lift or carry an excessive weight. Laundry, Drycleaning, Dye Works, No. 3-62, effective March 1, 1962; Manufacturing and General Working Conditions, No. 2-62, effective March 1, 1962; Counselor Staff Occupations in Organized Seasonal Recreational Camps, No. 11-63, effective October 14, 1963; Office Workers Order, No. 13-63, effective October 14, 1963.

2. No arbitrary standard can be set for all women and, therefore, women should be taught both the technique of correct lifting and the consequences of bad lifting. Excessive demand shall not be made in respect to the amount to be lifted by any one female employee. Food Processing Industry, No. 5-62, effective March 1, 1962; Fresh Fruit and Vegetable Packing Industry, No. 6-62, effective March 1, 1962.

3. No woman or minor, as a condition of normal employment, shall be required to lift or carry more than 35 pounds. Telephone and Telegraph Industry Order, No. 12-63, effective October 14, 1963.

Coverage:

Specific industries covered as set out in wage orders.

Flexibility:

The Washington Department of Labor and Industry has indicated that "excessive weight" is construed to mean beyond physical capability or endurance. While formal administrative exemptions are not granted, this standard of physical capability or endurance provides flexibility in enforcement in the orders containing the standard of excessive weights.

☆ U.S. GOVERNMENT PRINTING OFFICE : 1969 O - 362-478